

**STATE OF LOUISIANA
DEPARTMENT OF CIVIL SERVICE
BATON ROUGE, LA**

September 15, 2005

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**STATE PERSONNEL MANUAL
TRANSMITTAL SHEET
NO. 418**

To: HEADS OF STATE AGENCIES AND PERSONNEL OFFICERS

Subject: New Rule Suspending Deadlines in the Civil Service Rules

Issue Date: September 15, 2005

At its meeting on September 14, 2005, the Commission adopted the following rule on an emergency basis:

2.15 Suspension of deadlines

All deadlines imposed by these rules are suspended until the state of emergency resulting from Hurricane Katrina is terminated. This rule shall apply retroactively to August 29, 2005.

Therefore, all deadlines in the Civil Service Rules that fall on or after August 29, 2005 are suspended during the declared state of emergency. The current state of emergency is from August 26, 2005 – September 25, 2005, but the Governor can extend it. The Governor or the Legislature can terminate a state of emergency. When she or they do so, the delay periods specified in the rules will begin to run again.

Example No. 1: An agency promotes an employee effective Monday, August 19, 2005. The agency has 30 days to report the action to Civil Service. As of August 29, 2005, 9 days had already run. (Start counting on the day after the effective date and stop counting on August 28, 2005.) Therefore, the agency will have 21 days from the end of the emergency to report the action.

Example No. 2: An employee receives a letter of dismissal on August 25, 2005. The employee has 30 calendar days to file an appeal. As of August 29, 2005, 3 days had already run. (Again, start counting on the day after the employee received the letter and stop counting on August 28, 2005.) Therefore, the employee will have 27 days from the end of the emergency to file a timely appeal.

If there are any questions concerning the subject matter of this Transmittal Sheet, please call Program Assistance at (225) 342-8274.

Please make the following changes in your Civil Service Rules:

<u>REMOVE</u>		<u>INSERT</u>	
<u>Page</u>	<u>T/S</u>	<u>Page</u>	<u>T/S</u>
20.10.3	306	20.10.3	306
20.10.4	306	20.10.4	418

Sincerely,

s/Anne S. Soileau
Acting Director

- (g) Action by any person taken or ordered to be taken without approval of the Commission when such approval for the action is required by either the State Constitution or by Civil Service Rule.
- (h) Failure of any person to comply with any order or directive of the Commission unless otherwise stayed by a Court of proper jurisdiction or unless within the time limits for such compliance provided by applicable rule or law.
- (i) Willful failure of an attorney to appear at the time and place set for the hearing in which he is to participate.

2.12 Procedure for Punishing for Contempt.

- (a) When a person has committed a contempt of the Commission or a Referee in the presence of the Commission or a Referee, he may be found guilty and punished therefore by the Commission or Referee forthwith, without any trial other than affording him an opportunity to be heard orally by way of defense or mitigation.
- (b) When a person is charged with committing a contempt outside of the presence of the Commission or a Referee, he shall be tried by the Commission or the Referee on a Rule to show cause alleging the facts constituting the contempt. The Rule may be issued by the Commission or Referee on its own motion, or on motion of the Director.
- (c) A copy of the motion and of the Rule shall be served on the person charged, in the manner of a subpoena, not less than forty-eight hours prior to the time assigned for trial of the Rule.
- (d) If a person charged with contempt is found guilty, the Commission or a Referee shall render an order reciting the facts constituting the contempt, adjudging the person charged with the contempt guilty thereof, and specifying the punishment imposed.
- (e) Should a person served in accordance with this Rule fail to appear at the time, date, and place set for the hearing on the Rule, the Commission or Referee may order any law enforcement officer to apprehend and to bring before the Commission or Referee the person charged with contempt, to proceed with the hearing in the absence of the person charged, or to institute proceedings before the judiciary of this State as the Commission or Referee deems proper.

2.13 Penalties for Contempt.

- (a) In addition to that which is provided for in these Rules, the Commission or a Referee may punish a person adjudged guilty of contempt of the Commission or the Referee by a fine of not more than five hundred dollars (\$500.00).
- (b) Money collected pursuant hereto shall be paid into the General Treasury of the State of Louisiana in accordance with law.

2.14 Commanding Immediate Presence.

In addition to that which is provided for herein, the Commission or a Referee may order any law enforcement officer to locate and bring before the Commission or the Referee any person who fails to appear at a hearing pursuant to a subpoena if proof of service appears of record and if the immediate presence of that person will facilitate the progress of the subject hearing.

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